

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Jim and Michael Johnsen **FILE #:** 10-121-038
 2. **APPLICANT:** Jim Johnsen **HEARING DATE:** April 1, 2010
 3. **TYPE OF APPLICATION:** Rezoning – City Council
 4. **LOCATIONS:** 260 Clarence St, 1347 Burns, NE Corner at Clarence
 5. **PINS & LEGAL DESCRIPTIONS:** a portion of 342922330034, Kamnetz Add Lots 11 And Lot 12 (260 Clarence Ave); and a portion of 342922330030, Kamnetz Add Lots 17 And Lot 18 (1365 Burns Ave)
 6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** March 19, 2010 **BY:** Luis Pereira
 9. **DATE RECEIVED:** March 1, 2010 **60-DAY DEADLINE FOR ACTION:** April 30, 2010
-

- A. **PURPOSE:** Rezoning portions of parcels at 260 Clarence and 1365 Burns from R4 One Family Residential to B2 Community Business.
- B. **PARCEL SIZES:** 260 Clarence: approximately 1,717.8 square feet (0.039 acres); 1365 Burns: 1,575.6 square feet (0.036 acres).
- C. **EXISTING LAND USES:** Side yards to single family detached homes (R4)
- D. **SURROUNDING LAND USES:**
 - North: Single family detached house (R4)
 - South: Obb's Bar/restaurant (B2) / Mounds Park (R4)
 - East: Single family detached house (R4)
 - West: Obb's Bar/restaurant (B2) / parkway (Point Douglas Road)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** While no zoning history was found for this property, the applicant and owner of the Obb's Bar and Grill business at 1347 Burns Avenue – Jim Johnsen - provided a history of uses at this commercial property (with which the pieces of residential properties now proposed for rezoning will be combined via a pending lot split). Prior to 1933, the property at 1347 Burns was used a grocery store and owned by the applicant's family. After the Prohibition era ended (1933), the property was used for "on sale liquor." In the late 1940s, the applicant's family added a small kitchen, bathroom, and dining room, and expanded it again to include a bar in the 1950s. The applicant's family used the property as a bar and grill until 1982, when they sold it; the property continued to operate as a bar and grill after this time under different ownership. Mr. Johnsen purchased the property back in 2001, and has made interior/exterior renovations to it since then, adding an outdoor patio in 2004.

The proposed the lot split and this rezoning are driven by Mr. Johnsen's plans for a building expansion to the rear of the bar/restaurant building, on its eastern side. The applicant also seeks variances (Z.F. #10-121-081) from §63.310(c) which requires entrances and exits to and from parking facilities located in districts other RL-RT2 residential districts to be 25 feet from any adjoining property in RL-RT2 districts, and from providing new off-street parking.

- G. **DISTRICT COUNCIL RECOMMENDATION:** The Dayton's Bluff District 4 Community Council has provided a written recommendation of support of this application.

H. FINDINGS:

1. The applicants, Jim Johnsen (and son Michael Johnsen) seek to rezone portions of their residential properties at 1365 Burns and 260 Clarence (respectively) from R4 to B2, after these portions of their residential lots are combined with the property at 1347 Burns Ave via a pending lot split.
2. The building expansion will include additional kitchen area, cooler-freezer space, as well as additional dry storage area, and will be approximately 681 square feet in size, according to a site concept plan dated February 23, 2010. As the seating capacity of the restaurant will not change with the proposed building expansion, the applicant requests a variance (Z.F. #10-121-081) along with this rezoning application to not provide any of the required additional 20 off-street parking spaces associated with the expansion.
3. The proposed zoning is consistent with the way this area has developed. The property has long been used for commercial purposes, and has undergone several building improvements and minor expansions over time. The proposed B2 zoning allows for the continued use of the property as a bar/restaurant amidst an established low density residential area, consistent with the way the area has developed.
4. The proposed zoning is consistent with the Comprehensive Plan. The District 4 Dayton's Bluff Area Plan Summary, approved in December 2009, promotes the reuse, instead of demolition, of existing commercial buildings, and opposes expansion of existing surface parking lots. While the existing bar/restaurant building will continue to be used, the small expansion proposed at the rear of the property (east side) will be visually inconspicuous. Consistent with the District 4 Plan, the existing surface lot will not be expanded (no new spaces added) beyond the re-construction of the driveway. The Land Use Chapter of the Comprehensive Plan, adopted in 2010, designates the properties at 260 Clarence and 1365 Burns Avenue as "Established Neighborhood," a future land use category described as consisting of mainly of one and two-family residential uses, but also including scattered neighborhood-serving commercial, service and institutional uses at the juncture of arterial and collector streets." The small additions to the Obb's Bar property (a neighborhood-serving commercial use) fix a historical property line discrepancy on the north side of the property, and allow for the kitchen/storage area building addition on the east side of the property.
5. The proposed B2 zoning is compatible with the existing B2 zoning at both 1347 Burns Avenue (Obb's Bar) and 243 Point Douglas Road N (property located across the street).
6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* The proposed rezoning to B2 of two small areas adjacent to the existing Obb's Bar property does not establish a use classification any different from uses permitted by the existing of the B2-zoned Obb's Bar property. The two small areas will be combined with the property at 1347 Burns via a pending lot split.
6. The petition for rezoning was found to be sufficient on March 1 (1365 Burns) and March 15 (260 Clarence): 19 parcels eligible; 13 parcels required; 14 parcels signed (for 1365 Burns); 13 parcels signed (for 260 Clarence).

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of portions of parcels at 260 Clarence and 1365 Burns from R4 One Family Residential to B2 Community Business.



PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 10-121038
Fee 1000.00
Pendency Hearing Date 4-1-10

APPLICANT

Property Owner JAMES R. JOHNSON
Address ~~1940 Mendota~~ 1365 Burns Ave
City LAKE ELMO St. MN Zip 55402 Daytime Phone 651-776-7010
Contact Person (if different) _____ Cell Phone 651-775-5729

PROPERTY LOCATION

Address / Location 1347 Burns - St. Paul, MN
Legal Description _____
Current Zoning R-4
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

JAMES R. JOHNSON, owner of land proposed for rezoning, hereby petitions you to B-2 rezone the above described property from a R-4 zoning district to a B-2 zoning district, for the purpose of:

NEW DRIVEWAY APPROACH AND RETAINING WALL

(attach additional sheets if necessary)

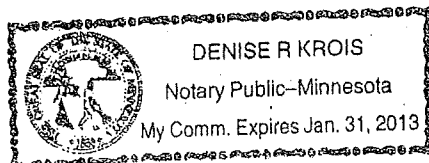
Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

CK13390
1390.00
pdd
3-1-10

Subscribed and sworn to before me
this 16th day
of February, 2010.

By: [Signature]
Fee Owner of Property
Title: Owner

Denise R Krois
Notary Public





PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # _____
Fee: _____
Tentative Hearing Date: _____

APPLICANT

Property Owner Mike Johnson
Address 260 Clarence St Cell
City St Paul St. Mind Zip 55106 Daytime Phone 353-4035
Contact Person (if different) Sam Phone _____

PROPERTY LOCATION

Address / Location 260 Clarence
Legal Description _____
Current Zoning B-2
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Mike Johnson, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a B-4 zoning district to a B-2
zoning district, for the purpose of:

North side of Parking Lot
10' on West Side of Parking Lot
20' on East corner of Parking Lot
To Make Parking Lot wider

(attach additional sheets if necessary)

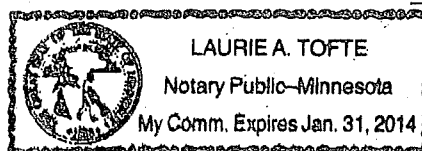
Attachments as required: ☐ Site Plan ☒ Consent Petition ☒ Affidavit

Subscribed and sworn to before me
this 15th day
of March, 2010.

By: Mike Johnson
Fee Owner of Property

Title: Owner

Laurie A. Tofte
Notary Public



Feb 2, 2010

To Zoning or

To Whom This may concern:

(1347 Burns Ave)

I currently own OBB's Bar. At first my family owned and operated as a grocery store. After Prohibition we opened up as "ON Sale Liquor". In the late 40's we added in a small kitchen and bath room as well as a dining room. In the 50's we added in another addition with a ten stone bar. After running the family business as a bar and grill we sold out in 1987. It was then renamed "The Kick-Off Bar & Grill". I purchased the bar in 2001 and then brought the name as OBB's Bar & Grill. In the past eight years I remodeled the building inside and out and added an Out Door Patio. My food business has increased greatly so my present kitchen has out grown it self. I'm in need of expanding my kitchen as I need more prep area - a place for waitresses to make salads etc. - also more Cooler-Freezer - and Dry storage. - This includes an expansion of my cooking line. Basement will be used as bath room for employees changing room - storage - furnace - Hot Water Heater etc. I am not expanding my seating capacity just kitchen area. In order to do this I am asking for ^{various} ~~various~~ of 10 feet from the property East of me (1365 Burns Ave) which I would like a new drive way approach.

Sincerely

James R. Johnson Owner.

Exhibit
A

From: 260 Clarence Street
conveying
To: Obb's Sports Bar & Grill, 1347 Burns Avenue

Legal Description:

That part of Lot 12, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota lying southerly and easterly of a line described as follows:

Commencing at the southwest corner of said Lot 12; thence northerly along the west line of said Lot 12, a distance of 10.00 feet to the point of beginning of the line to be described; thence easterly, parallel with the south line of said Lot 12, a distance of 95.00 feet; thence northerly, parallel with the west line of said Lot 12, a distance of 10.00 feet; thence easterly, parallel with said south line of Lot 12, a distance of 38.39 feet more or less to the intersection with the east line of said Lot 12, and said line there terminating.

From: 1365 Burns Avenue
conveying
To: Obb's Sports Bar & Grill, 1347 Burns Avenue

Legal Description:

That part of Lot 17, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota lying southerly and westerly of a line described as follows:

Commencing at the southwest corner of said Lot 17; thence easterly along the south line of said Lot 17, a distance of 17.00 feet to the point of beginning of the line to be described; thence northerly, parallel with the west line of said Lot 17, a distance of 92.68 feet; thence westerly, parallel with said south line of Lot 17, a distance of 17.00 feet more or less to the intersection with the west line of said Lot 17, and said line there terminating.

Mr. Jim Johnson
1347 BURNS AVENUE
St. Paul, MN 55106

(1347 Burns Avenue)
Lots 13, 14, 15, and 16, KAMNETZ ADDITION, according to the record plat thereof, Ramsey
County, Minnesota.

(1355 Burns Avenue)
Late 17, and 18, KAMINETZ ADDITION, according to the record plat thereof, Ramsey County,
Minnesota.

(260 Clarence Street)
 *
 Lots 11, and 12, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County,
 Minnesota.

(1347 Burns Avenue)
That part of Lot 12, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota, lying southerly and westerly of a line described as follows:

Commencing at the southwest corner of said Lot 12; thence northerly, along the west line of said Lot 12, a distance of 10.00 feet to the point of beginning of the line to be described; thence easterly, parallel with the south line of said Lot 12, a distance of 95.00 feet; thence northerly, parallel with the west line of said Lot 12, a distance of 10.00 feet; thence easterly, parallel with said south line of Lot 12, a distance of 38.39 feet, more or less to the intersection with the east line of said Lot 12; and said line there terminating.

and
Lots 13, 14, 15, and 16, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota.

That part of Lot 17, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota, lying southerly and westerly of a line described as follows:

Commencing at the southwest corner of said Lot 17; thence easterly, along the south line of said Lot 17, a distance of 17.00 feet to the point of beginning of the line to be described; thence northerly, parallel with the west line of said Lot 17, a distance of 92.68 feet; thence westerly, parallel with said south line of Lot 17, a distance of 17.00 feet more or less to the intersection with the west line of said Lot 17, and said line there terminating.

11755 Prime Avenue)

Commencing at the southwest corner of said Lot 12; thence easterly, along the south line of said Lot 17, a distance of 17.00 feet to the point of beginning of the line to be described; thence northerly, parallel with the west line of said Lot 17, a distance of 17.00 feet; thence westerly, parallel with the west line of said Lot 17, a distance of 17.00 feet; thence northerly, parallel with the south line of said Lot 17, a distance of 17.00 feet; thence easterly, parallel with the west line of said Lot 17, a distance of 17.00 feet to the intersection with the west line of said Lot 17; and said line then follows said Lot 17 to the northeast corner of said Lot 12, and follows said Lot 12 to the southeast corner of said Lot 12, and follows said Lot 12 to the south line of said Lot 17, and follows said Lot 17 to the point of beginning of the line to be described.

(280 Clarence Street)

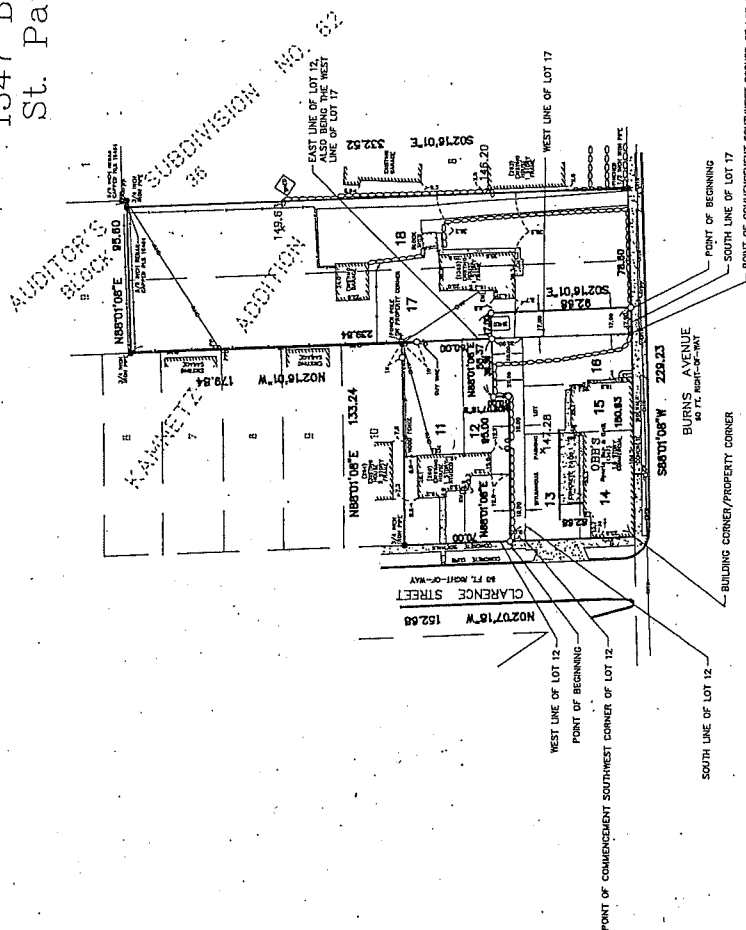
Commencing at the southeast corner of said Lot 12; thence northerly, along the west line of said Lot 12, to the point of beginning of the line to be described; thence easterly, parallel with the west line of said Lot 12, a distance of 85.00 feet; thence northerly, parallel with the west line of said Lot 12, a distance of 10.00 feet; thence easterly, parallel with said north line of Lot 12, a distance of 35.39 feet; thence northerly, to the intersection with said east line of Lot 12, said east line thereof, running east.

I certify that this survey, plan or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

[Signature]
February 23, 2010

Jonathan L. Foraci
Registered Land Surveyor
Minnesota Registration No. 16464

JOB NO. 2010.002 also see 2008.068



SCALE

1 inch = 20 ft.

BASIS OF BEARINGS: The Easterly line of Lot 11 has on assumed bearing of North 02 degrees 07 minutes 18 seconds West.

LAKE & LAND SURVEYING, INC.
1296 Hudson Road
St. Paul, Minnesota 55106
PHONE: 651-776-6211

Street Address: 1347 Burns Avenue
Existing Area: 9,705 sq.ft./0.22 acres
Proposed Area: 12,999 sq.ft./0.33 acres

Street Address: 1385 Burns Avenue
 Extension: 31708 22 N 107 W

Street Address: 1365 Burns Avenue
Existing Area: 31,788 sq.ft./0.73 acres
Proposed Area: 30,213 sq.ft./0.69 acres

Street Address: 260 Clarence Street
Existing Area: 10,877 sq.ft./0.22 acres

Proposed Area: 5,949 sq. ft./0.21 acres

NOTES

○ Denotes 12 inch long Common Spike Monument set and capped RLS 15464 upon approved lot split.

--- Denotes Overhead Utility Wires.

— Denotes Chain Link Fence.
 --- Denotes Concrete Block Retaining

Denotes Gas Meter
Denotes Electric Meter
Denotes Concrete Surface.

10

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

Jim Johnson

FIRST SUBMITTED

Mike Johnson Applic

RESUBMITTED

DATE PETITION SUBMITTED: 3-1-10

DATE PETITION RESUBMITTED: 3-15-10

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 19

PARCELS ELIGIBLE: 19

PARCELS REQUIRED: 13

PARCELS REQUIRED: 13

PARCELS SIGNED: ~~13~~ 14

PARCELS SIGNED: 13 patricia

CHECKED BY: Paul Dubruel

DATE: 3-11-10

3-24-10



Dayton's Bluff

District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510

Visit our web site at www.daytonsbluff.org

March 24, 2010

Luis Pereira
City of Saint Paul PED
25 West 4th Street
Saint Paul MN 55102

Dear Luis Pereira

James Johnson owner of Obb's Bar and Restaurant 1347 Burns came to our board of directors meeting on March 8, 2010 requesting support for their plan to split one of his lots to build an addition on the building and change the driveway at the east end of the building.

Our board passed a resolution in support of lot split and improvements at his business to Obb's Bar and Restaurant. If you need more information please call me at 651-772-2075.

Thank you.
Sincerely

Karin DuPaul
Community Organizer

Ground shots

Fig. 1. View of 1347 Burns Ave, looking north from Burns Ave

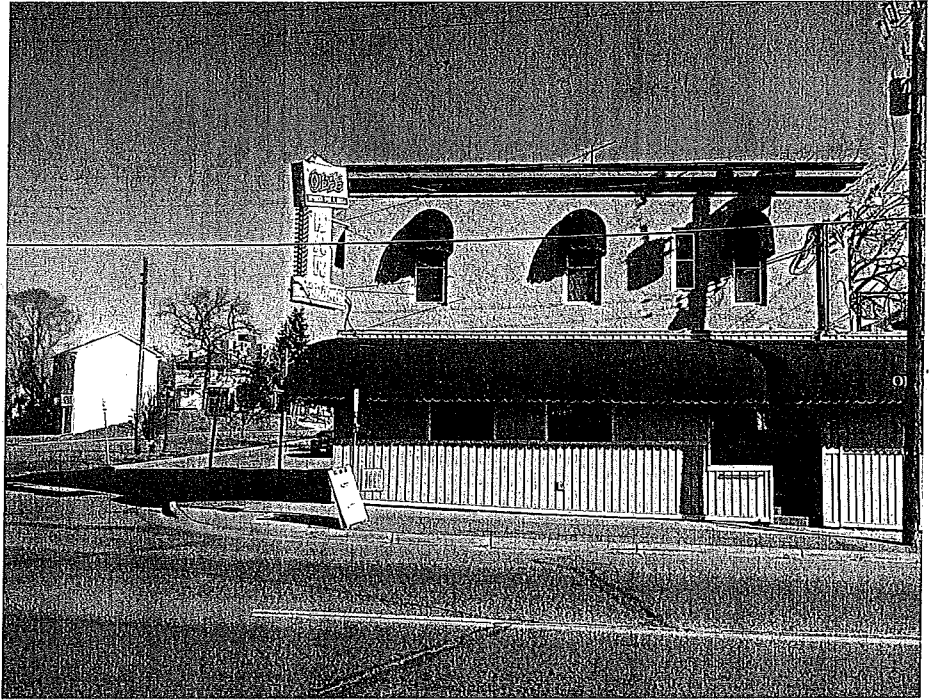


Fig. 2. View of 1347 Burns Ave parking lot, looking east at north property line (abuts 260 Clarence)

Fig. 3. Eastern view of parking lot's north property line (abuts 260 Clarence).

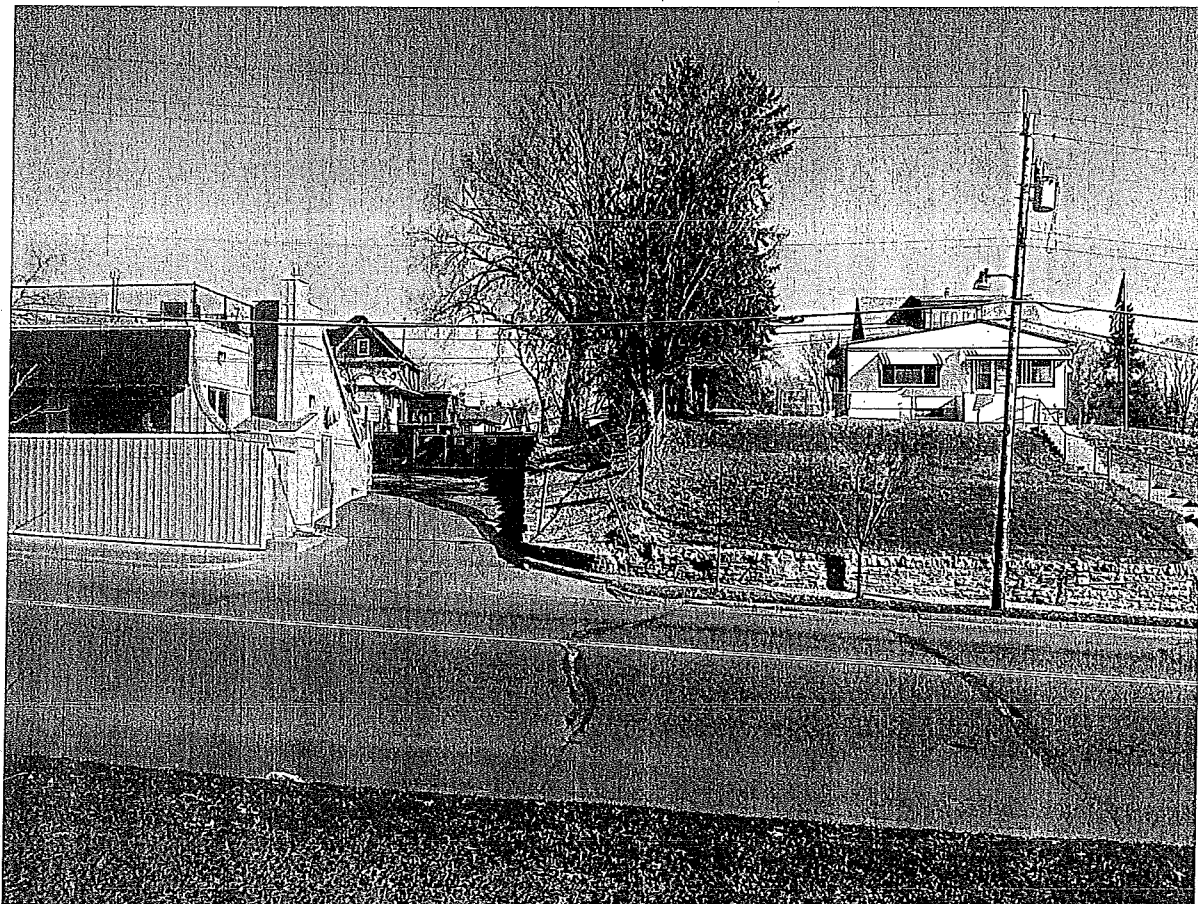
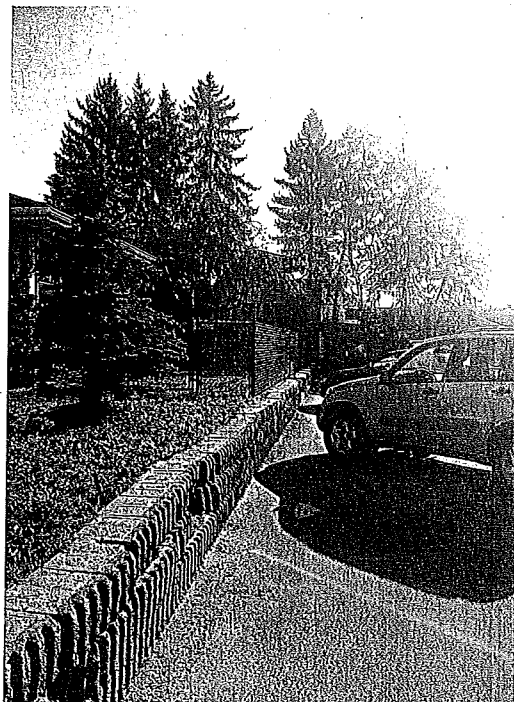


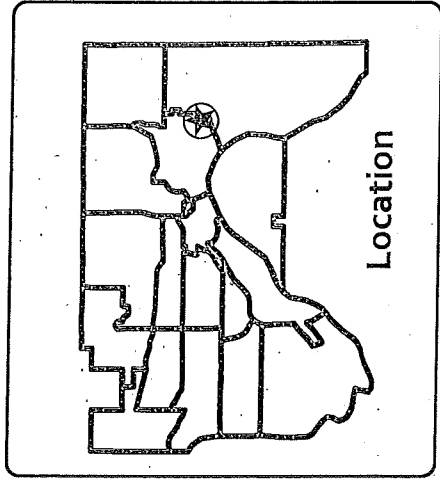
Fig. 4. North view of 1347 Burns Ave property: east property line, existing retaining wall & driveway, and residence at 1365 Burns Ave

Ground shots

Fig. 5. North view of 1347 Burns Ave property: east property line, existing retaining wall & driveway, and residence at 1365 Burns Ave (zoomed in)



Existing Land Use



1347 Burns

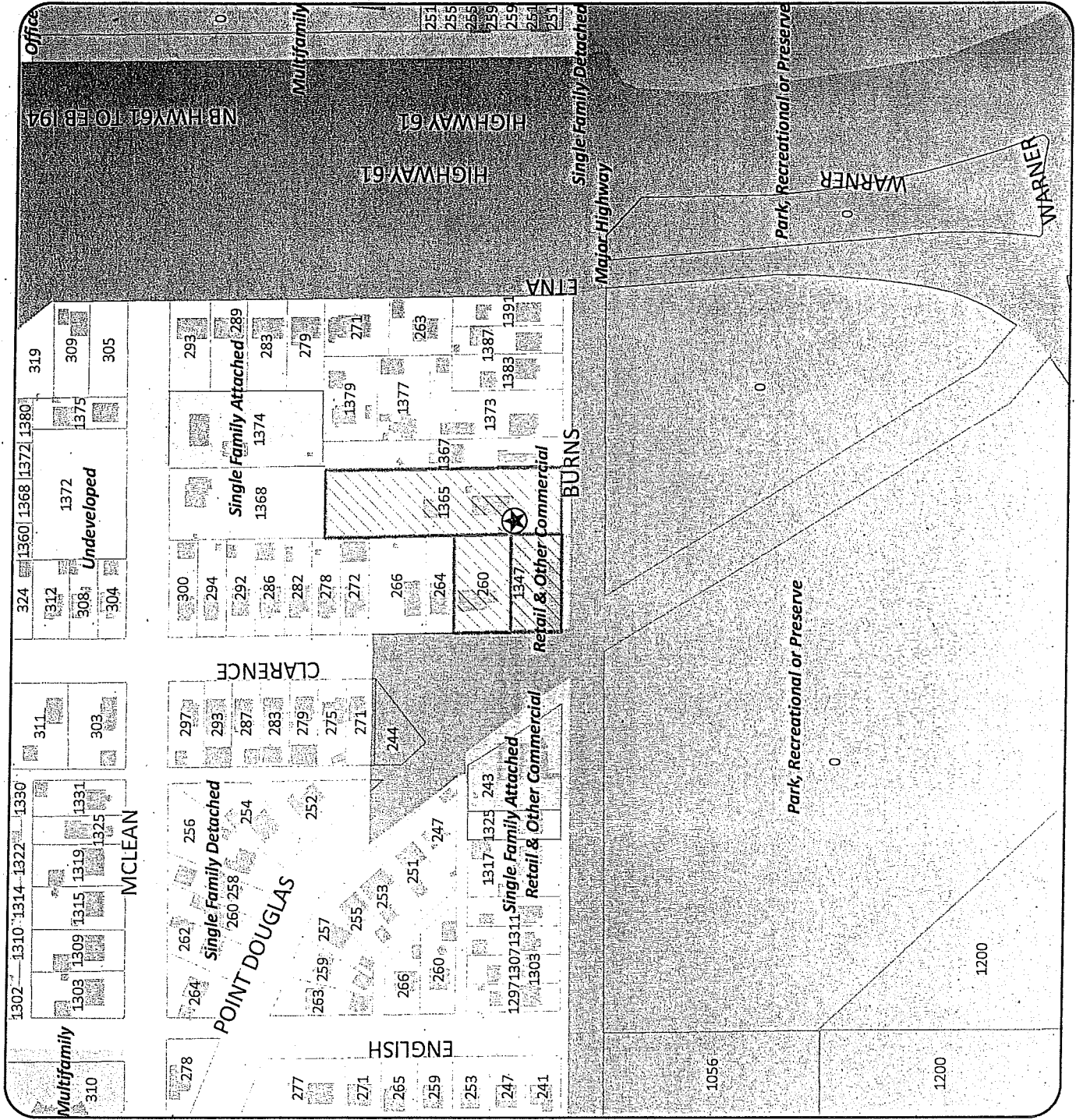
(variances)

and

260 Clarence &

1365 Burns

(portions requested for rezoning to B2)



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Obb's Bar **FILE #:** 10-121-081
 2. **APPLICANT:** Jim Johnsen **HEARING DATE:** April 1, 2010
 3. **TYPE OF APPLICATION:** Variances
 4. **LOCATION:** 1347 Burns Ave, NE Corner at Clarence
 5. **PIN & LEGAL DESCRIPTION:** 342922330114, Kamnetz Add Lots 13 Thru Lot 16
 6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.601; 61.202(b)
 8. **STAFF REPORT DATE:** March 23, 2010 **BY:** Luis Pereira
 9. **DATE RECEIVED:** March 1, 2010 **60 DAY DEADLINE FOR ACTION:** April 30, 2010
-

- A. **PURPOSE:** Variances for number of off-street parking spaces (20 spaces required, 0 spaces proposed), and driveway setback from residential property (25 feet required, 10 feet proposed)
- B. **PARCEL SIZE:** 10,817 sq. ft. (0.248 acres)
- C. **EXISTING LAND USE:** Restaurant/bar (B2)
- D. **SURROUNDING LAND USE:**
 - North: Single family detached house (R4)
 - South: Obb's Bar/restaurant (B2) / Mounds Park (R4)
 - East: Single family detached house (R4)
 - West: Obb's Bar/restaurant (B2) / parkway (Point Douglas Road)
- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of §61.601; §63.310 states requirements related to entrances and exits for off-street parking facilities; §63.206 states rules for computing required parking.
- F. **HISTORY/DISCUSSION:** While no zoning history was found for this property at 1347 Burns Avenue, the applicant and owner of the Obb's Bar and Grill business— Jim Johnsen - provided a history of the property's uses. Prior to 1933, the property at 1347 Burns was used a grocery store and owned by the applicant's family. After the Prohibition era ended (1933), the property was used for "on sale liquor." In the late 1940s, the applicant's family added a small kitchen, bathroom, and dining room, and expanded it again to include a bar in the 1950s. The applicant's family used the property as a bar and grill until 1982, when they sold it; the property continued to operate as a bar and grill after this time under different ownership. Mr. Johnsen purchased the property back in 2001, and has made interior/exterior renovations to it since then, adding an outdoor patio in 2004.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Dayton's Bluff District 4 Community Council has provided a written recommendation of support of this application.
- H. **FINDINGS:**
 1. The applicants, Jim Johnsen (and son Michael Johnsen) also seek to rezone portions of their residential properties at 1365 Burns and 260 Clarence (respectively) from R4 to B2 (Z.F. #10 121-038), after these portions of their residential lots are combined with the property at 1347 Burns Ave (Obb's Bar and Grill), via a pending lot split. The proposed lot split and rezoning are driven by his plans for a building expansion to the rear of the bar/restaurant building, on its eastern side. The building expansion will include additional kitchen area, cooler-freezer space, as well as additional dry storage area, and will be approximately 681 square feet in size, according to a site concept plan dated February 23, 2010.
 2. As the seating capacity of the restaurant will not change with the proposed building expansion, the applicant requests a variance to not provide any of the required additional 20 off-street parking spaces associated with the expansion (a variance of 20 parking spaces).
 3. As the proposed building expansion will involve lot area that includes a 17-foot wide existing

rear driveway on the property's eastern side, the applicant also seeks to replace the driveway/curb cut onto Burns Avenue with a new one that is 16 feet wide. The applicant is adjusting the eastern property line of 1347 Burns by moving it 17 feet eastward (taking a portion of 1365 Burns Ave) to provide space to create the new driveway, its location will not be in strict compliance with §63.310(c), which requires entrances and exits to and from parking facilities located in districts other than RL-RT2 residential districts to be 25 feet from any adjoining property in RL-RT2 districts. The applicant proposes a new eastern driveway edge that is set back 10 feet from the residential property line at 1365 Burns Avenue (based on a concept site plan dated February 23, 2010), thereby requesting a variance of 15 feet.

4. Section 61.601 sets out the required findings for a variance of the Zoning Code:

- (a) *The property in question cannot be put to a reasonable use under the strict provision of the code.* This finding is met. The existing commercial building at 1347 Clarence was built well before the City's off-street parking requirements; as such the building has a pre-existing parking shortfall that was not created by the applicant. The restaurant side of the applicant's business has increased substantially in recent years, and so the building expansion will facilitate food preparation as well as provide additional cooler/freezer and storage space. Because no new seating space will be provided with the expansion (i.e. no additional customers generated) it is unreasonable to strictly apply the parking code to this use. In addition, a strict application of the driveway setback from residential use would eliminate the property's access to Burns Avenue. Burns Avenue functions as the utility/service access point for the building, while the Clarence Avenue access point is the main driveway entrance into the site's off-street parking.
- (b) *The plight of the landowner is due to circumstances unique to his property, and these circumstances were not created by the landowner.* This finding is met, as the existing commercial building was built well before the City's off-street parking requirements, and the retaining wall and semi-steep topography along the eastern property line were not created by the landowner.
- (c) *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.* This finding is met, contingent on the City's approval of a pending lot split, as well as City Council approval of the accompanying rezoning application (Z.F. #10-121-038). The proposed parking variance is consistent with the intent of the code because its approval will cause no measurable net increase in number of customers who will frequent the business (i.e. no additional traffic or parking needs will be created). The proposed driveway setback from adjacent residential property is consistent with the spirit and intent of the code as the existing driveway and eastern property boundary are separated by an estimated 19 percent grade change and existing retaining wall, and this retaining wall will be replaced with a similar one located to the east of the new proposed driveway. The proposed 10-foot setback edge of the new driveway from the new eastern property line is similar to the existing driveway's 8-16 foot setback, and the 19 percent grade change along the eastern property line provides a vertical topographic separation to be preserved/re-created after the building is expanded and the driveway is replaced.
- (d) *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.* This finding is met, as the proposed variances will not alter the essential character of the surrounding area or impact property values.
- (e) *The variance, if granted, would not permit any use that is not permitted under the*

provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property. This finding is met if the lot split is approved by the City and rezoning is approved by the City Council; the proposed variances will not permit any uses not permitted in the B2 district, nor alter the property's (proposed) B2 zoning district classification

- (f) The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land. This finding is met, as the property owner is requesting variances that are based on a proposed minor building expansion that will not result in any increase in the number of customers served. Rather, the variances will allow the applicant to expand the business in a way that will serve current customers better.*

I. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the variances for the number of off-street parking spaces (20 required, zero proposed) and driveway setback from residential property (25 feet required, 10 proposed) subject to the following conditions:

1. The pending lot split (adjustment of common boundary, #10-119215) associated with 1347 Burns Avenue (to add portions of 260 Clarence Avenue and 1365 Burns Avenue to 1347 Burns Avenue) shall be approved by City staff.
2. The rezoning requested in Zoning File #10-121-038 shall be approved by the City Council.
3. The applicant shall physically move an existing 120-square foot shed that is located on lot area to become part of the 1347 Clarence Avenue property (if the lot split is approved) north onto the residential property at 1365 Burns Avenue to meet all zoning setback requirements.
4. Any conditions imposed at site plan review shall be followed.
5. If the pending lot split, rezoning, and this variance application are all approved, the applicant must apply for building permits for the proposed building expansion, new driveway, and new retaining wall; plans must be prepared by an engineer. The applicant must also provide a plan for the proposed excavation work, retaining wall, and parking lot work, and apply for a grading permit.



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections

375 Jackson Street

Suite 220

Saint Paul, MN 55101-1806

General: 651-266-9008

Fax: (651) 266-9099

Zoning office use only

File Number: 10-121081

Fee: \$ 250.00

Tentative Hearing Date:

Section(s)

City agent

APPLICANT

Name JAMES R. JOHNSON Company OAB's Sports Bar & Grill
Address 1347 Burns Ave
City St. Paul State LA Zip 55106 Daytime Phone 651-776-7466
Property Interest of Applicant (owner, contract purchaser, etc) OWNER
Name of Owner (if different) _____ Phone _____

PROPERTY INFORMATION

Address / Location 1347 Burns Ave St. Paul, MN
Legal Description Kamnetz Add. Lot 13-16
(attach additional sheet if necessary)
Lot Size _____ Present Zoning _____ Present Use _____

Proposed Use Adding on prop kitchen - Full Basement

New Driveway Approach - with 15' Residential
Set back Variance Requested North / Eastern Property

Variance[s] requested:

Off-street parking

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

I'm adding on a new prop kitchen on the east end of my building which will block my exist from my parking lot so I would like to take 10 feet of my property at ¹³⁶⁵ Burns Ave. which I will need for my new driveway exit which is one way out. This will give me room for my new retaining wall and landscaping.

pdd
3-1-10

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature

Date

2-15-10

Feb 2, 2010

To Zoning or

To Whom This may concern:

(1347 Burns Ave)

I currently own QBB's Bar. At first my family owned and operated as a grocery store. After Prohibition we opened up as "ON Sale Liquor". In the late 40's we added in a small kitchen and bath room as well as a dining room. In the 50's we added in another addition with a ten stove bar. After running the family business as a bar & grill we sold out in 1982. It was then renamed "The Kick-Off Bar & Grill". I purchased the bar in 2001 and then brought the name as QBB's Bar & Grill. In the past eight years I remodeled the building inside and out and added an outdoor patio. My food business has increased greatly so my present kitchen has out grown it self. I am in need of expanding my kitchen as I need more prep area - a place for waitresses to make salads etc. - also more Cooler-Freezer - and Dry storage. - This includes an expansion of my cooking line. Basement will be used as bath room for employees changing room - storage - furnace - Hot Water Heater etc. I am not expanding my seating capacity just kitchen area. In order to do this I am asking for ^{various} ~~various~~ of 10 feet from the property East of me (1365 Burns Ave) which I am for a new drive way approach.

Sincerely

James R Johnson Owner.

From: Tom Beach
To: Dubruiel, Paul
Date: 3/3/2010 4:39 PM
Subject: Re: obb's barat 1347 Burr

Yes.

>>> Paul Dubruiel 3/3/2010 9:22 AM >>>
Tom,

Thanks for the information. Is the variance required then (20) spaces ?

Paul D.

20 spaces

>>> Tom Beach 3/3/2010 8:28 AM >>>
This is what I told the owner about zoning approvals he needs:

Other approvals needed

In addition to getting the site plan approved you need the following approvals: Adjustment of property lines on the east and north
Rezoning land to the east and north Two zoning variances: Number of off-street parking spaces. To meet zoning requirements for
parking you would need to provide 20 new parking spaces. (This is based on 6.6 spaces for the addition plus 13.5 spaces required
by Zoning Code Section 63.206.c.2 to make up for 25% of the existing parking shortfall for the bar.) Setback of the new driveway
from the east property line (25 required)

Tom Beach
DSI
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806

651-266-9086 (phone)
651-266-9124 (fax)
tom.beach@ci.stpaul.mn.us(email)

From: 260 Clarence Street
conveying
To: Obb's Sports Bar & Grill, 1347 Burns Avenue

Legal Description:

That part of Lot 12, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota lying southerly and easterly of a line described as follows:

Commencing at the southwest corner of said Lot 12; thence northerly along the west line of said Lot 12, a distance of 10.00 feet to the point of beginning of the line to be described; thence easterly, parallel with the south line of said Lot 12, a distance of 95.00 feet; thence northerly, parallel with the west line of said Lot 12, a distance of 10.00 feet; thence easterly, parallel with said south line of Lot 12, a distance of 38.39 feet more or less to the intersection with the east line of said Lot 12, and said line there terminating.

From: 1365 Burns Avenue
conveying
To: Obb's Sports Bar & Grill, 1347 Burns Avenue

Legal Description:

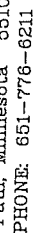
That part of Lot 17, KAMNETZ ADDITION, according to the record plat thereof, Ramsey County, Minnesota lying southerly and westerly of a line described as follows:

Commencing at the southwest corner of said Lot 17; thence easterly along the south line of said Lot 17, a distance of 17.00 feet to the point of beginning of the line to be described; thence northerly, parallel with the west line of said Lot 17, a distance of 92.68 feet; thence westerly, parallel with said south line of Lot 17, a distance of 17.00 feet more or less to the intersection with the west line of said Lot 17, and said line there terminating.

Mr. Jim Johnson
1347 BURNS AVENUE
St. Paul, MN 55106

Ernest L. Faraci
Registered Land Surveyor
Minnesota Registration No. 16484

PHONE: 651-776-6211



Anton / E Team
For your review & comments. Cash & Condo
In our comments, we should note that this requires
an adjustment of common boundaries and a rezoning. Alt



APPLICATION FOR SITE PLAN REVIEW

Department of Safety and Inspections (DSI)
375 Jackson Street
Suite 220
Saint Paul MN 55101-1806
651-266-9086

STAFF USE ONLY
SPB# <u>10-108171</u>
Fee \$ <u>110.00</u>
Staff meeting date <u>3/2/10</u>
City agent <u>JFO</u>

APPLICANT

Name JAMES R. JOHNSON Company OBB's Spate Bar & Grill
Address 1347 Burns
City St. Paul State MN Zip 55108
Phone 651-776-7010 Fax 651-246-7737
Email Jim - OBB's Bar & Grill

OWNER (If different than applicant)

Name _____ Company _____
Address _____ Phone _____

PROJECT

Project name / description New Kitchen Addition - Full Basement
New Driveway Approach

Project address / Location 1347 Burns Ave

Legal description of the property: Kamnetz Addl
Lots 13-16

Applicant's signature _____

Date 2/5/10

STAFF USE ONLY

Type Site Plan

Sub Add

Work Comm

S.F. 5,000

Folder Name OBB's bar addition

Reviewed by _____

Comments _____

The site plan calls for a small kitchen addition to the back of an existing bar. An existing drive lane and curb cut on Burns Avenue needs to be shifted east to accommodate the addition.

(attach additional sheets if necessary)

Bond/letter of credit/escrow \$ _____

Date _____

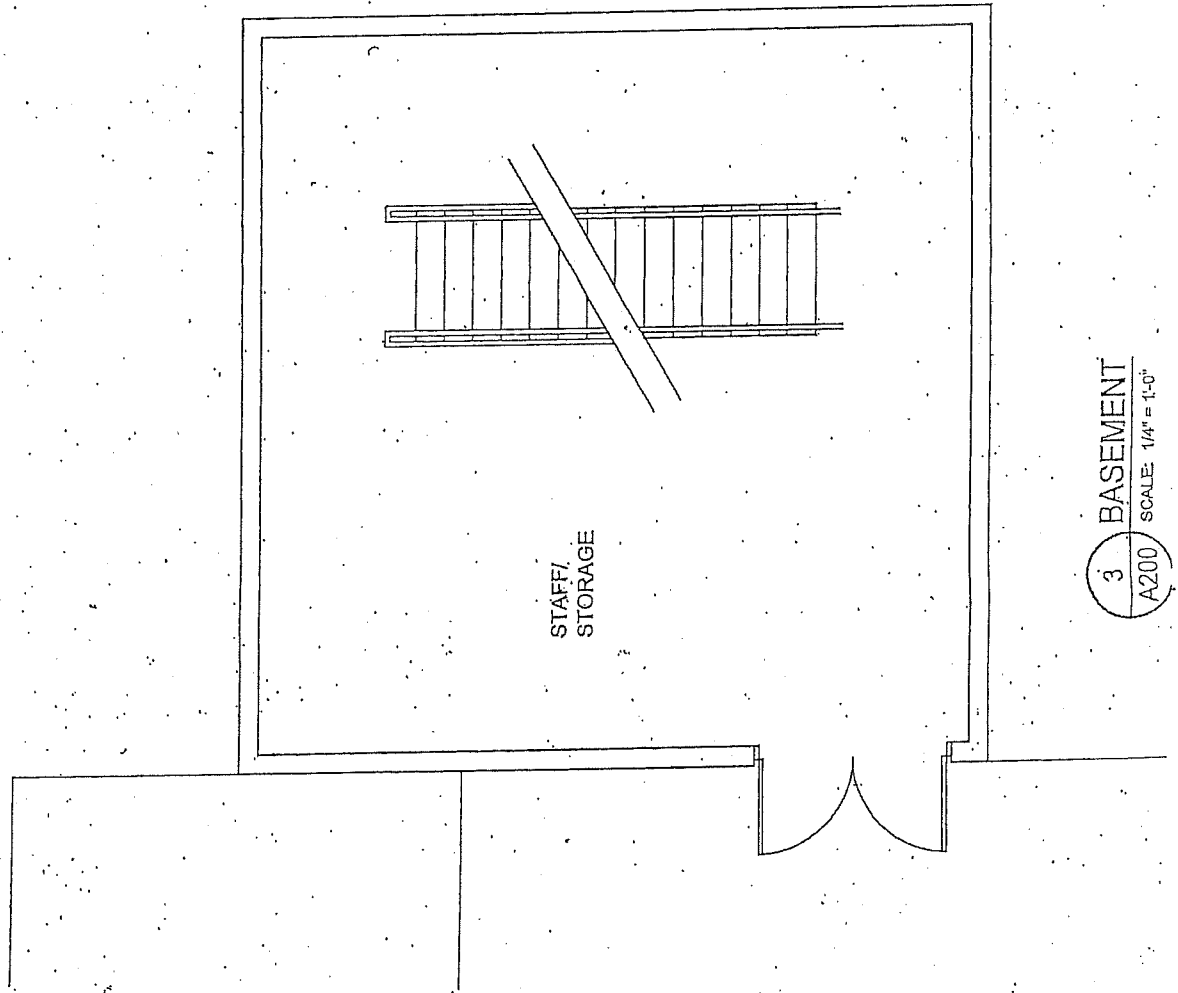
Site plan approved by _____

Date _____

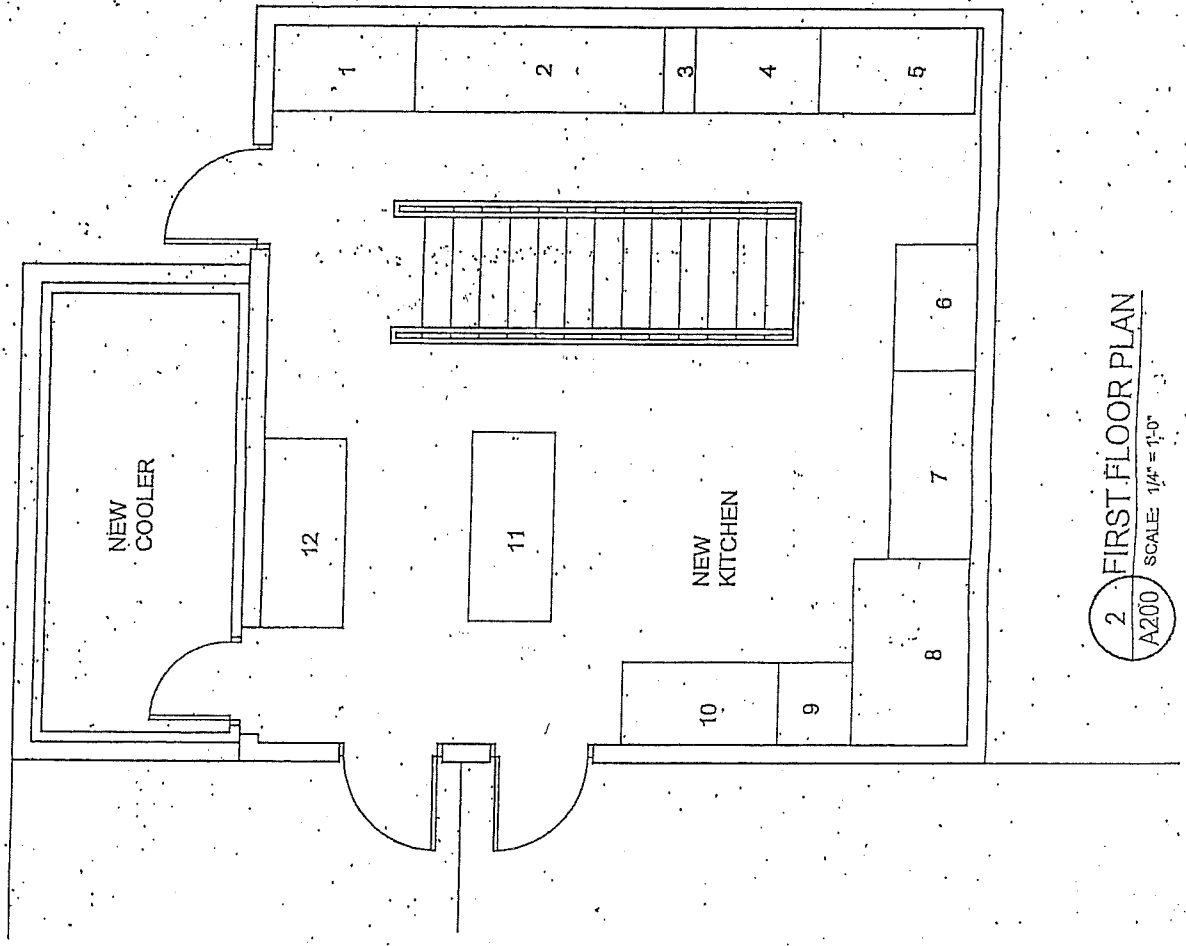
Work approved by _____

Date _____

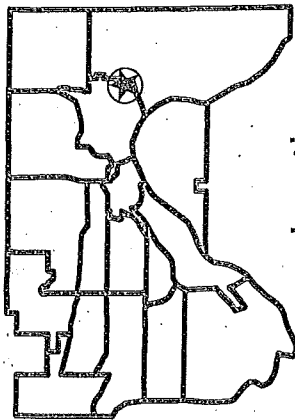
This form and other information about site plan review are available at www.stpaul.gov/dsi. Click on Zoning in the column on the left side of the page and then click on Site Plan Review.



3 BASEMENT
A200 SCALE: 1/4" = 1'-0"



2 FIRST FLOOR PLAN
A200 SCALE: 1/4" = 1'-0"

**Location**

1347 Burns

(variances)

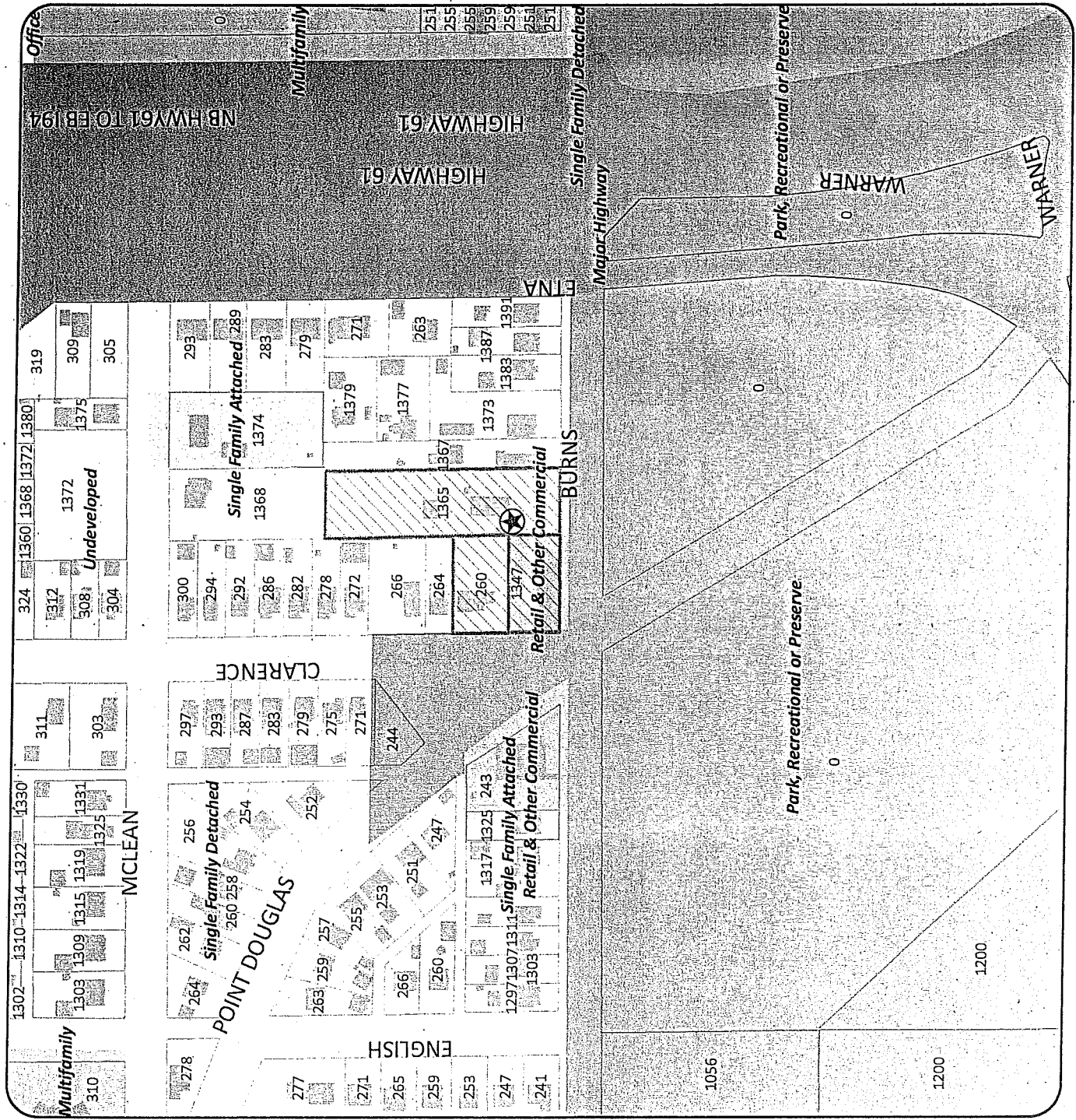
and

260 Clarence &

1365 Burns

(portions requested for rezoning to B2)

Existing Land Use



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** MCD Agency LLC
 2. **APPLICANT:** MCD Agency LLC
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 670 Juno Ave, SE corner of Juno and Osceola
 5. **PIN & LEGAL DESCRIPTION:** 112823410192; D R Burbank Addition Part Nwly Of Ry R/w Of Lot 12 & Lot 13 Blk 1
 6. **PLANNING DISTRICT:** 9
 7. **ZONING CODE REFERENCE:** §61.801(b), §63.304
 8. **STAFF REPORT DATE:** March 16, 2010
 9. **DATE RECEIVED:** March 4, 2010
- FILE #:** 10-119-666
HEARING DATE: April 1, 2010
EXISTING ZONING: TN2
BY: Luis Pereira
60-DAY DEADLINE FOR ACTION: May 3, 2010

-
- A. **PURPOSE:** Rezoning from TN2 Traditional Neighborhood to B2 Community Business.
 - B. **PARCEL SIZE:** 4,400 square feet (0.10 acres)
 - C. **EXISTING LAND USE:** Undeveloped (unimproved)
 - D. **SURROUNDING LAND USE:**
 - West: Single Family Detached (B2 and RT2)
 - East: Undeveloped former right-of-way for railroad (TN2)
 - North: Medical clinic/office building (TN2)
 - South: Undeveloped former right-of-way for railroad (TN2)
 - E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §63.304 specifies requirements for nonresidential off-street parking.
 - F. **HISTORY/DISCUSSION:** No zoning history was found for this property. The applicant has also submitted a variance application in conjunction with this rezoning. The application (Z.F. #10-121-250) requests a variance from the provision of §63.304 which requires off-street parking not located on the same zoning lot as the principal use to be located within 300 feet of the building it is intended to serve. The 670 Juno property is located approximately 450 feet from the building at 995 W. 7th Street, measured from the corner of the building to the northeastern edge of the property at 670 Juno. The same application also requests a variance from §63.314(a), which requires a landscaped yard of at least 4 feet wide along a public street or sidewalk, with an additional three feet of width to be provided where vehicles may overhang the yard. The applicant is proposing a 4 foot-wide landscaped yard only along Osceola Ave, representing a variance of three feet.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** District 9 had not provided a written recommendation on this rezoning at the time the staff report was composed.
 - H. **FINDINGS:**
 1. The applicant and owner of 670 Juno, MCD Agency LLC, will sell the property to the owners of 995 W. 7th Street LLC, operators of Shamrock's Bar and Grill, on West 7th Street, contingent on the City's approval of the rezoning of 670 Juno Ave. The bar/restaurant owners have plans to expand Shamrock's Bar from its current location at 995 W. 7th Street to include adjacent property to the northeast at 985 W. 7th Street. The building expansion would normally require 32 additional off-street parking spaces, as per Department of Safety and Inspections staff analysis. The building expansion will also include the development of the land behind 985 West 7th Street, formalizing it as an improved parking lot (but not to be counted towards as parking for the building expansion).

2. The owners of Shamrock's Bar recently applied for and the Board of Zoning Appeals (BZA) approved on March 8, 2010 several variances associated with the business expansion to include 985 W. 7th Street. Conditions on these variances include that the applicants must obtain a shared parking agreement or otherwise provide 16 additional parking spaces within one year, and that the parcels at 995 W. 7th Street and 985 W. 7th Street must be combined under a single tax identification – at 995 W. 7th Street.
3. The proposal to rezone 670 Juno to B2 is part of an effort to comply with the first condition of the BZA approval to provide additional parking spaces. Twelve off-street parking spaces are shown on a concept plan for 670 Juno submitted by the applicant (a Site Plan Review is also required for this parking lot, but has not yet been approved). Section §63.304. *Parking location, nonresidential* requires nonresidential off-street parking located in a non-contiguous zoning lot to be located within the VP vehicular parking district or within the same or less restrictive zoning district as the principal use. Because 670 Juno Ave is currently zoned TN2, which is a more restrictive zoning district than B2 (the district within which the Shamrock's business is located at 995 W. 7th Street), the applicant has proposed to rezone 670 Juno Ave to B2 to match the zoning of 995 W. 7th Street.
4. The proposed zoning is consistent with the way this area has developed. The proposed triangular parcel at 670 Juno Ave is part of a larger group of blocks south of Randolph, east of Osceola, north of Armstrong, and west of Drake that has existing commercial uses and undeveloped land from former railroad right-of-way. Only small pockets of residential uses exist in this area. Reflecting this development reality, the entire area was rezoned to TN2 through previous planning processes to allow for a range of commercial and residential uses.
5. The proposed zoning is consistent with the Comprehensive Plan. The Brewery Ran View Small Area Plan, adopted in 2000, recommends that businesses along West 7th Street be "integrated more tightly into the neighborhood," including that new uses be found for vacant parcels, design guidelines be followed "to improve the aesthetic character of the street..." and "...careful attention [be paid] to the quality of the public realm (street, sidewalks, street trees, lighting, fences and building facades)." The Fort Road Development Plan Summary, adopted in 2005, has a design guideline that states that parking shall be located at the rear or side of all buildings, if practical; it also has development principles for the West 7th Street Corridor that include the creation of "new off-street parking for existing businesses, where feasible," and the principle to work "with business owners as potential developers and retain established businesses that strengthen the neighborhood. The Land Use Chapter of the Comprehensive Plan, adopted in 2010, designates the property at 670 Juno Ave as "Established Neighborhood," a future land use category described as consisting of mainly of one and two-family residential uses, but also including scattered neighborhood-serving commercial, service and institutional uses at the juncture of arterial and collector streets." Finally, the draft District 9 Area Plan Summary, which has been adopted by the Planning Commission but not yet by the City Council, has an economic development strategy to encourage flexible parking strategies such as shared parking for commercial and institutional users, and parking behind structures.
6. The proposed zoning is compatible with the surrounding medical clinic/office to the north, the undeveloped former right-of-way for railroad to the east and south, and the detached single family homes (also zoned B2) to the west.
7. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and

which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property." The proposed B2 Community Business district is consistent with the existing B2 zoning of the adjacent property to the west of Osceola Avenue. In addition, as stated above, this parcel at 670 Juno Ave is part of a larger group of TN2-zoned blocks south of Randolph, east of Osceola, north of Armstrong, and west of Drake that have existing commercial uses (including a recently-developed medical clinic/office building to the north. As such, the proposed B2 zoning does not establish a use classification inconsistent with the surrounding existing commercial/vacant land uses.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 670 Juno Avenue from TN2 Traditional Neighborhood to B2 Community Business.



PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 10-119666

Fee: 1000.00

Tentative Hearing Date:

4-1-10

PD=9

112823410192

APPLICANT

Property Owner W.C.B. Agency, LLC
Address 1035 West 7th
City Saint Paul St. MN Zip 55102 Daytime Phone 612-224-4050
Contact Person (if different) Patrick Donohue Phone 612-224-4040

PROPERTY LOCATION

Address / Location SE corner of Juno and Osceola
Legal Description see attached legal survey and description, PID 112823410192
Current Zoning TN2
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
TN2

, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a B2 zoning district to a
zoning district, for the purpose of:

This vacant lot will be used for off-site parking. Zoning for this site must match primary site
zoning which is B2.

(attach additional sheets if necessary)

Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

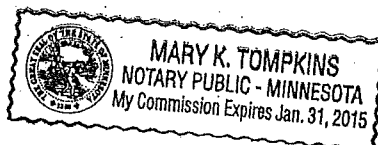
CK 9492
3-4-10
pdd

Subscribed and sworn to before me
this 4th day
of March, 2010.

By: P. Donohue
Fee Owner of Property

Title: Chief Mgr.

Notary Public



Page 1 of

CLINIC PARKING RAMP.

AUSTRIAN PINE-
13 TOTAL

LIGHTING PER
CITY STANDARDS

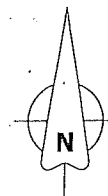
ENTRY

OSCEOLA AVENUE

TWO HOUSES

Diagram illustrating a railroad right-of-way. The diagram shows a cross-section of the right-of-way with a central track area and a 4-foot wide section on the left side, labeled "RAILROAD RIGHT OF WAY".

1.54



Thatcher

ENGINEERS • SCIENTISTS • ARCHITECTS • PLANNERS

FIGURE:

1

PROJECT TITLE: Shamrock

DRAWING TITLE: Off-Site Parking

PROJECT LOCATION: St. Paul, MN

LEAK #:

SCALE: 1" = 30'
DRAWN BY: TOM

CITY OF SAINT PAUL**Deadline for Action: 03-02-10****BOARD OF ZONING APPEALS RESOLUTION****ZONING FILE NUMBER: 10-011174****DATE: March 8, 2010**

WHEREAS, Mike Runyon & Ted Casper have applied for a variance from the strict application of the provisions of Section 63.296 & 63.301 of the Saint Paul Legislative Code pertaining to several variances in order to enlarge Shamrocks Bar and Restaurant and establish a new parking lot. 1) The proposed expansion requires 32 additional off-street parking spaces; 2) A 4 foot setback is required from the west property line of the parking lot; 3) a minimum area of 10% landscaping is required for any new off-street parking area; in the B2 zoning district at 995 7th Street West. PIN: 112823140179; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on March 8, 2010 pursuant to said application in accordance with the requirements of Section 64.203 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. *The property in question cannot be put to a reasonable use under the strict provisions of the code.*

The applicants are proposing to expand Shamrock Restaurant at 995 West 7th Street into the adjacent commercial building at 985 West 7th Street that was last occupied by a hair salon and office space on the first floor and 3 residential units on the second. The residential units will remain but the first floor will be converted to restaurant use. This change in use requires 21 additional parking spaces. In addition to the parking required for the change of use, the zoning code, under Sec. 63.206(c)(2), requires that 25% of the parking shortfall for the existing restaurant must also be provided. The existing bar/restaurant has a parking shortfall of 44 spaces and 25% of the shortfall is 11 spaces. The shortfall plus the parking required for the change of use results in a total parking deficit for the expansion of 32 spaces. The project will also include the development of the lot behind 985 West 7th Street into a parking lot with access from James Avenue. This lot has been used informally for parking in the past but has never been developed to code. The area available for parking is about 40 by 82 and in order to make it practical for parking, the applicants are requesting a setback variance and a variance of the landscaping requirements. Expanding the restaurant into the adjacent commercial space and developing the parking area behind the building are reasonable and permitted uses that cannot be accomplished under the strict provisions of the code.

2. *The plight of the land owner is due to circumstances unique to this property, and these circumstances were not created by the land owner.*

File #10-011174
Resolution

The building at 995 West 7th Street was constructed in 1906 and the building at 985 West 7th Street was built in 1896, both long before the City first had parking requirements for commercial uses in 1975. These irregular shaped parcels have limited area available for parking. The circumstances make it difficult to put the buildings to a reasonable use under the current code and were not created by the current property owners.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

Shamrock's has proven to be a successful business attracting many customers to the neighborhood. Along with this success comes a corresponding increase in parking demand in the area. The applicants are proposing to address these parking concerns through informal shared parking agreements with the Cherokee Bank located across Osceola Avenue and the Subway Restaurant located next door. The applicants state that both have said their lots are available for after-hour parking by Shamrock customers but neither wants to enter into a formal parking agreement at this time. They also state that they have been told that their employees can use the fire station parking lot across West 7th Street after 5 PM but staff has not been able to confirm that. The applicants should continue to seek a formal shared parking agreement or otherwise provide at least 16 of the required 32 spaces. Finally by redeveloping the parking area behind 985 West 7th Street and adding some bicycle and motorcycle parking they hope to mitigate any increase in parking demand in the neighborhood due to the expansion of the business.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The requested parking and site variances will not significantly affect the supply of light or air to adjacent properties.

The applicant has submitted three proposed site plans for the parking lot. Staff recommends the third plan which substitutes landscaping for the parking space closest to the street. Although this plan would eliminate one parking space it would provide a setback from the street and a visual break from the paved lot. It would also improve pedestrian safety by preventing cars from backing over the sidewalk. The two parcels have separate tax identification numbers and will need to be combined as a single parcel with one identification number in order to ensure that the parking remains with the restaurant. With the above stated conditions, the proposed variances would not change the character of the neighborhood or have an adverse impact on surrounding properties.

File #10-011174

Resolution

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

The proposed bar/restaurant and associated parking is a permitted use in this district. The requested variances would not change or alter the zoning classification of the property.

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.206 & 63.301 are hereby waived to allow: 1) A variance of 32 spaces; 2) A west property line setback of 0 (zero); 3) A minimum area of landscaping of 5.7%; *subject to the following conditions: 1) That the applicants obtain a shared parking agreement or otherwise provide an additional 16 parking spaces within the next year and 2) That the parcels are combined under a single tax identification.* In order to enlarge Shamrocks Bar and Restaurant and establish a new parking lot on property located at 995 7th Street West; and legally described as A. H. Koehler's Re-Arrangement "A" Lots 3 4 And Lot 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

MOVED BY:

SECONDED BY:

IN FAVOR:

AGAINST:

MAILED: March 9, 2010

TIME LIMIT:

No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

SURVEY FOR: **PATRICK DONOHUE**

SURVEYED: May 1999

DRAFTED: May 20, 1999

LEGAL DESCRIPTION:

All that part of Lots 12 and 13, Block 1 of D.R. Burbank's Addition to St. Paul, according to the recorded plat thereof, lying northwesterly of a line being 25 feet northwesterly of and parallel with the center line of the main track of the Soo Line Railroad Company, together with that part of the North 1/2 of the vacated alley accruing thereto by reason of vacation thereof, Ramsey County, Minnesota.

SCOPE OF WORK:

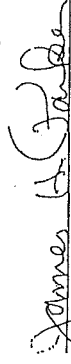
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.

STANDARD SYMBOLS & CONVENTIONS:

"•" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.


James H. Parker P.E. & P.S. No. 9235

JUNO

AVENUE

OSCEOLA AVENUE

S 89°41'34" E
--77.56--

N 00°11'50" E
--136.58--

S 00°13'21" W
25.72

R=1905.87
L=134.32
Δ=04°02'19"

CENTERLINE OF MAIN RR

ALLEY (VACATED)

N 89°41'34" W
1.54

30

33

20

25

Fig. 1. View of 670 Juno Ave,
looking north



Fig. 2. View of 670 Juno Ave, looking
northwest towards Osceola Ave

Fig. 3. View east from 670 Juno Avenue

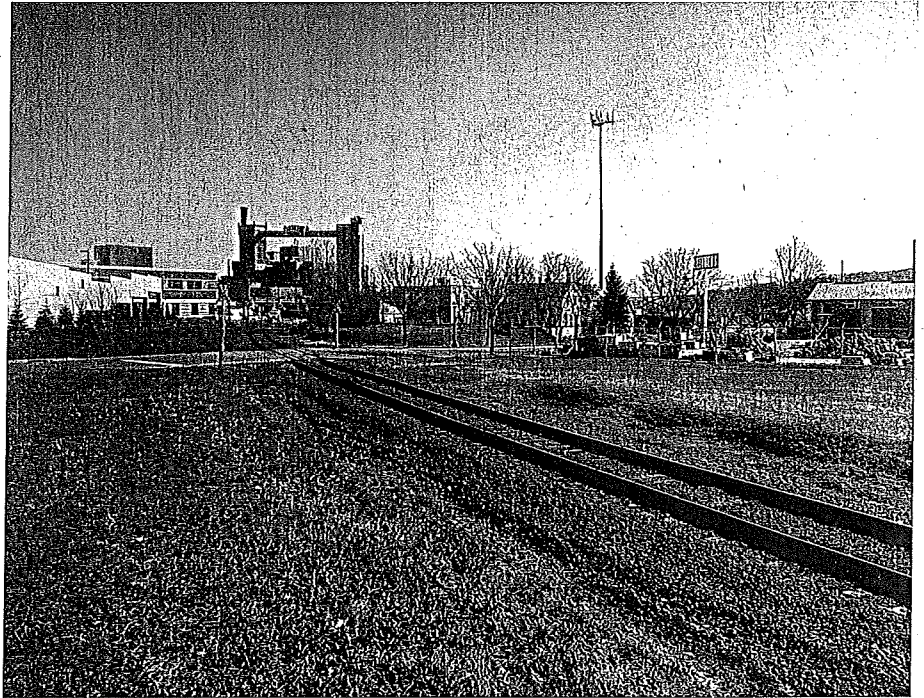


Fig. 4. South view of 670 Juno Ave along Osceola sidewalk

Fig. 5. North view along Osceola sidewalk, medical clinic/office building on the eastern side

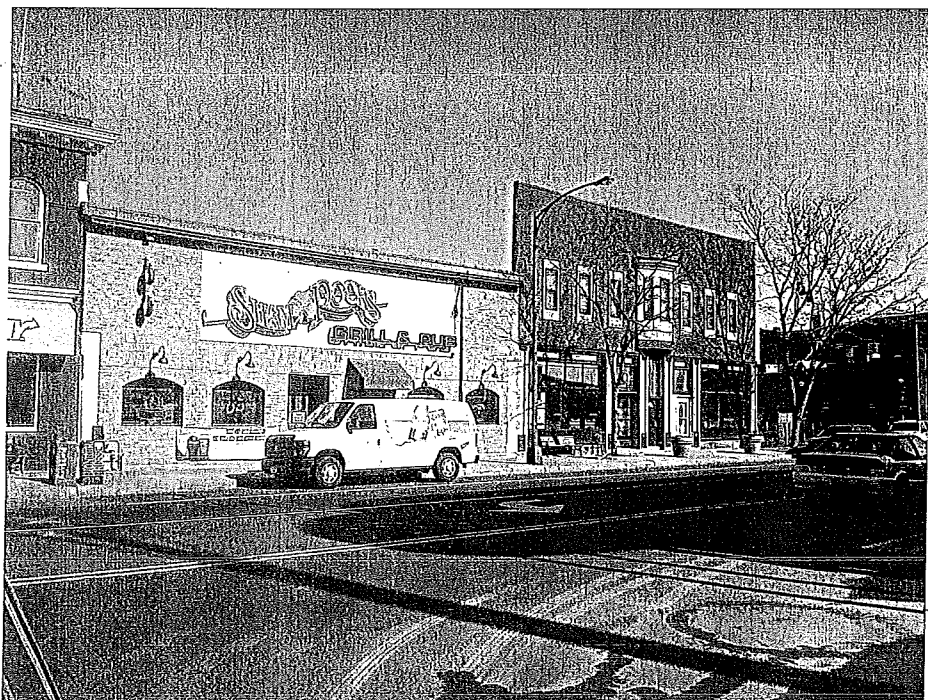
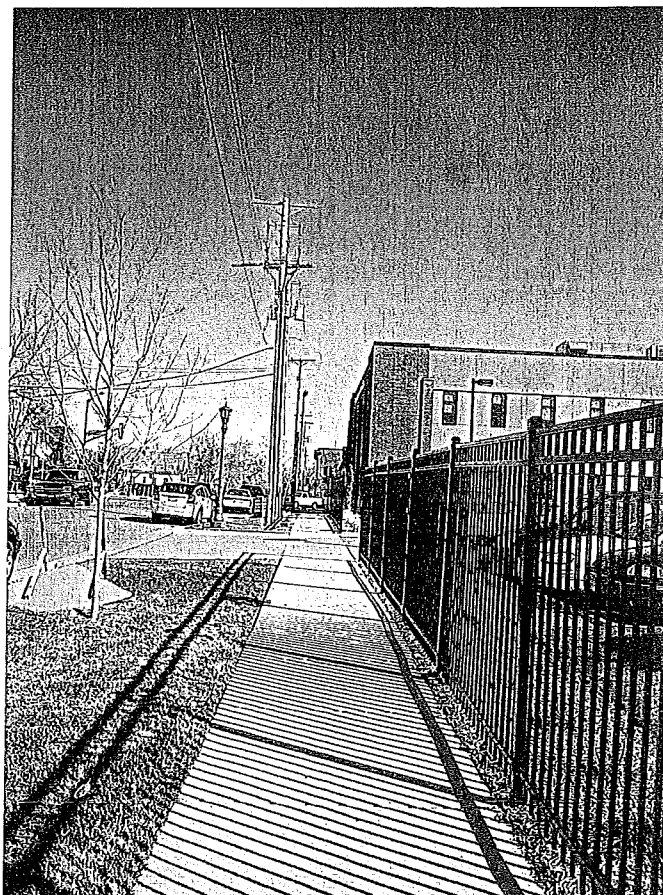
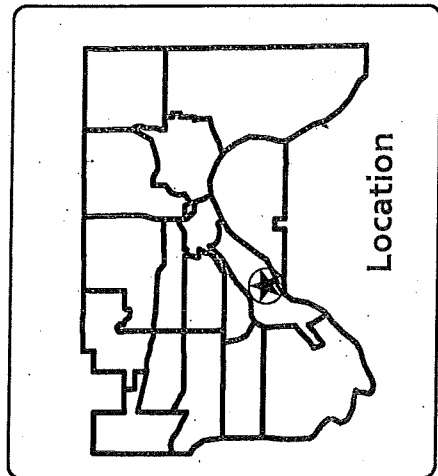


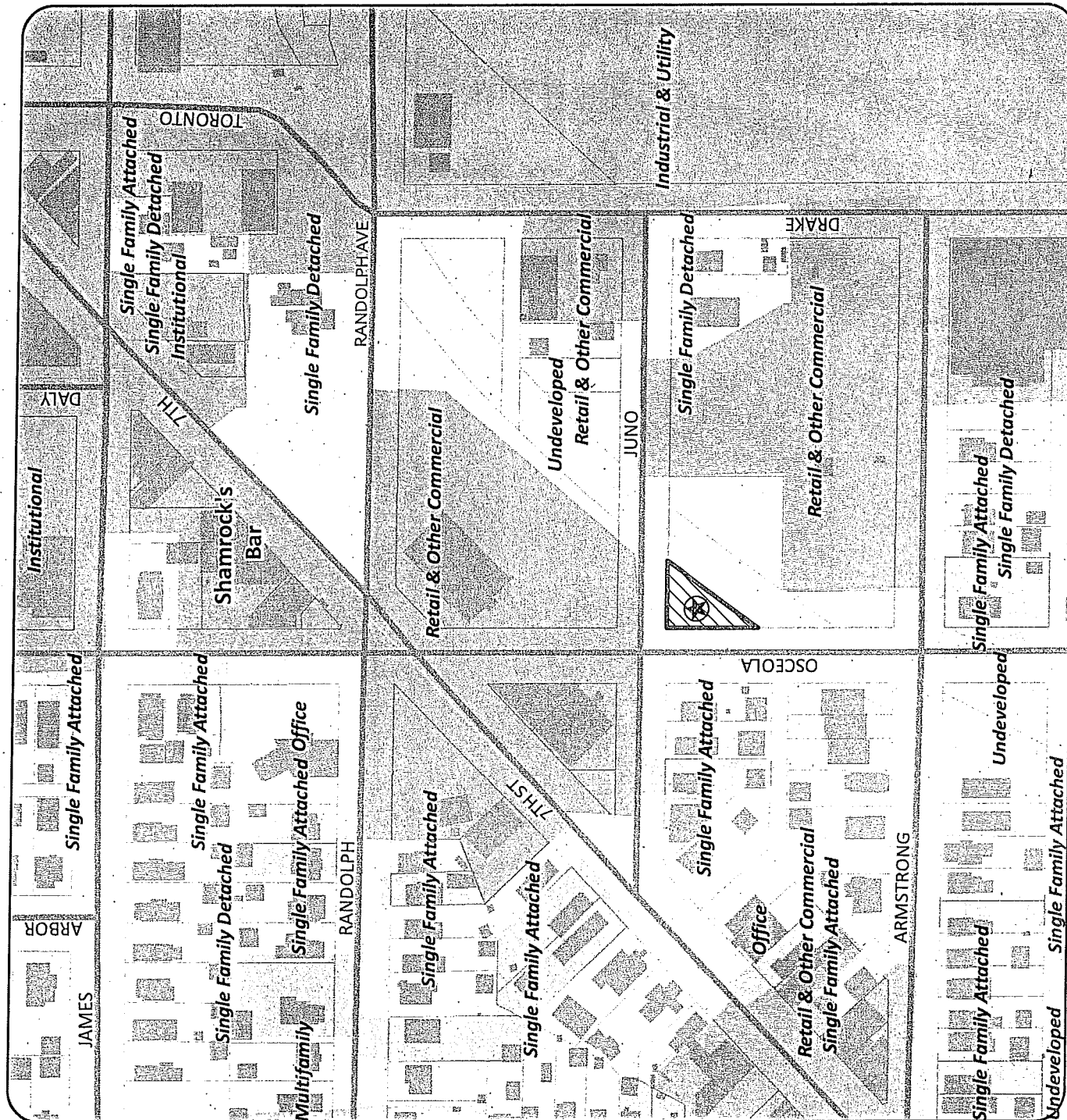
Fig. 6. Existing bar/restaurant at 995 W. 7th Street, with adjacent building expansion site (formerly 985 W. 7th)

Existing Land Use



Location

670 Juno



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Shamrock's
 2. **APPLICANT:** Mike Runyon & Ted Casper
 3. **TYPE OF APPLICATION:** Variances
 4. **LOCATION:** 670 Juno Ave, SE corner of Juno and Osceola
 5. **PIN & LEGAL DESCRIPTION:** 112823410192; D R Burbank Addition Part Nwly Of Ry R/w Of Lot 12 & Lot 13 Blk 1
 6. **PLANNING DISTRICT:** 9
 7. **ZONING CODE REFERENCE:** §61.601; §63.304; §63.314(a)
 8. **STAFF REPORT DATE:** March 18, 2010
 9. **DATE RECEIVED:** March 4, 2010
- FILE #:** 10-121-250
HEARING DATE: April 1, 2010
PRESENT ZONING: TN2
BY: Luis Pereira
60 DAY DEADLINE FOR ACTION: May 3, 2010
-
- A. **PURPOSE:** Variances for new parking lot at 670 Juno Avenue: 1) 300 feet maximum from building served permitted, 450 feet proposed; and 2) setback from Osceola right-of-way (7 ft. required, 4 ft. proposed).
 - B. **PARCEL SIZE:** 4,400 square feet (0.10 acres)
 - C. **EXISTING LAND USE:** Undeveloped (unimproved)
 - D. **SURROUNDING LAND USE:**
 - West: Single Family Detached (B2 and RT2)
 - East: Undeveloped former right-of-way for railroad (TN2)
 - North: Medical clinic/office building (TN2)
 - South: Undeveloped former right-of-way for railroad (TN2)
 - E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of §61.601; §63.304 specifies requirements for nonresidential off-street parking; §63.314(a) specifies landscaping requirements for off-street parking facilities.
 - F. **HISTORY/DISCUSSION:** No zoning history was found for this property. This variance application is also accompanied by a separate application to rezone 670 Juno Ave from TN2 to B2 (Z.F. #10-119-666). Since Section §63.304. *Parking location, nonresidential* requires nonresidential off-street parking located in a non-contiguous zoning lot to be located within the VP vehicular parking district or within the same or less restrictive zoning district as the principal use. Because 670 Juno Ave is currently zoned TN2, which is a more restrictive zoning district than B2 (the district within which the applicant's restaurant/bar business is located at 995 W. 7th Street), the applicant has proposed to rezone 670 Juno Ave to B2 to match the zoning of 995 W. 7th Street.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** District 9 had not provided a written recommendation on this rezoning at the time the staff report was composed.
 - H. **FINDINGS:**
 1. The property owner of 670 Juno, MCD Agency LLC, is also the owner of 995 W. 7th Street LLC and Shamrock's Bar and Grill on West 7th Street. The bar/restaurant owners have plans to expand Shamrock's Bar from its current location at 995 W. 7th Street to include adjacent property to the northeast at 985 W. 7th Street. The building expansion would normally require 32 additional off-street parking spaces, as per Department of Safety and Inspections staff analysis. The building expansion will also include the development of the land behind 985 West 7th Street, formalizing it as an improved parking lot (but not to be counted towards as parking for the building expansion).
 2. The owners of Shamrock's Bar recently applied for and the BZA approved on March 8, 2010 several variances associated with the business expansion to include 985 W. 7th Street. Conditions on these variances include that the applicants must obtain a shared parking

agreement or otherwise provide 16 additional parking spaces within one year, and that the parcels at 995 W. 7th Street and 985 W. 7th Street must be combined under a single tax identification – at 995 W. 7th Street.

3. This application for two Planning Commission variances for 670 Juno Avenue is part of an effort to comply with the BZA condition to provide additional offstreet parking. Twelve off-street parking spaces are shown on a concept plan for 670 Juno submitted by the applicant (a Site Plan Review is also required for this parking lot, but has not yet been approved). The application requests a variance from the provision of §63.304 which requires offstreet parking not located on the same zoning lot as the principal use to be located within 300 feet of the building it is intended to serve. The 670 Juno property is located approximately 450 feet from the building at 995 W. 7th Street, measured from the corner of the building to the northeastern edge of the property at 670 Juno, representing a variance of 150 feet. The same application also requests a variance from §63.314(a), which requires a landscaped yard of at least 7 feet wide along a public street or sidewalk where vehicles may overhang the yard. The applicant is proposing a four foot wide landscaped yard only along Osceola Ave, representing a variance of three feet.
4. Section 61.601 sets out the required findings for a variance of the Zoning Code:
 - (a) *The property in question cannot be put to a reasonable use under the strict provision of the code.* This finding is met. A condition of approval of a previous BZA decision includes that the business find sixteen additional parking spaces in the next year (by March 2011) through the development of an off-street parking facility and/or arrangement of shared parking agreements with adjacent uses. While the applicants have secured verbal agreements to allow their customers to use the parking associated with the adjacent sandwich shop after 8 PM (8-9 spaces), as well as the bank parking lot (10 spaces), the owners of these businesses have not wanted to formalize the arrangements with a shared parking agreement (lease). The applicants have also talked with the St. Francis Church to develop a potential shared parking agreement, and are talking with the medical clinic as well. The lot at 670 Juno Ave could be shared as well, providing additional daytime parking for the medical clinic. Given these considerations, the lot at 670 Juno Avenue is the only additional off-street parking that would be formalized for the bar/restaurant use, and a strict application of the code (denying any parking at the site because the lot is over 300 feet from the restaurant) would be unreasonable. In addition, the lot itself is small and oddly shaped (a triangle bordered by two public streets and a railroad right-of-way), which makes surface parking a reasonable use.
 - (b) *The plight of the landowner is due to circumstances unique to his property, and these circumstances were not created by the landowner.* This finding is met. The properties at 995 W. 7th Street and 985 W. 7th Street were built in 1906 and 1896, respectively, both long before the City first had parking requirements for commercial uses (which first began in 1975). These irregularly-shaped parcels have limited area available for parking.
 - (c) *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.* This finding is met. The existing bar/restaurant business at 995 W. 7th Street has an existing off-street parking lot to the rear of the property that has access on Osceola, and the building expansion into 985 W. 7th Street will include the improvement and formalization of an additional rear surface parking area that accesses James Street. These existing parking areas to the rear of the Shamrock's property directly abut two residential properties, and are directly across the street from several additional residential properties. This compares with 670 Juno Avenue, which does not directly abut any residential property and is across the street from only two houses; the noise impacts associated with 670 Juno will be less than those associated with the rear parking of the bar/restaurant, and more in keeping with the spirit and intent of the code.
 - (d) *The proposed variance will not impair an adequate supply of light and air to adjacent*

property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area. This finding is met. The proposed parking lot will be designed to be small (between 8-12 parking spaces) and unobtrusive to the adjacent properties. In addition, the proposed parking lot will help alleviate parking pressures associated with a successful business located in the heart of a key West 7th Street commercial node (where existing compact commercial/mixed use buildings— part of the essential character of the area - should be maintained in lieu of their removal for additional surface parking lots). The small parking area is located close to a key Mixed Use Corridor (as designated in the Comprehensive Plan) and will help support the existing character of W. 7th Street and not unreasonably diminish property values of the adjacent medical office building across Juno Ave. or residential property across Osceola Ave. The variances will also not impair the supply of light and air to adjacent property.

- (e) The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property. This finding is met. These variances, which allow for a slightly longer walking distance from a business to its secondary off-street parking lot, as well as provide for a slightly smaller setback for the parking lot, will not permit any other use not already allowed in the existing commercial zoning of this property, provided the City Council approves rezoning it to B2.*
- (f) The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land. This finding is met. The two variances are driven primarily by the requirement for additional off-street parking triggered by the expansion of the business as well as by a condition of approval of a previous BZA decision.*

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variances of 1) the 300-foot maximum distance requirement between a building and a noncontiguous off-street parking lot (450 feet proposed); and 2) the setback from the Osceola Avenue right-of-way required for the proposed off-street parking lot (7 ft. required, 4 ft. proposed), subject to the following additional conditions:

1. The City Council shall approve the rezoning of 670 Juno Avenue to B2.
2. Any shared parking agreements to provide additional offstreet parking to comply with the previous BZA decision (Z.F. #10-011-174) shall be submitted and approved by City staff in accordance with §63.206. Rules for computing required parking.
3. The site plan is approved by City staff, including appropriate landscaping and screening within the proposed four foot yards along Osceola and Juno Avenues, bollard posts within the four foot area along Osceola Ave to limit the impact of overhanging vehicles on landscaping within the yard, pedestrian-scale lighting per City lighting standards on installations that are nine to twelve feet in height and have a limited, downcast glow, and visible signage on the property that indicates the parking is for the bar/restaurant use and any other uses with which the lot is shared in accordance with §63.206.



APPLICATION FOR ZONING VARIANCE
Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

Zoning office use only
File Number: 10-119767
Fee: \$ 250.00
Tentative Hearing Date: _____
Section(s): _____
City agent: _____

APPLICANT

Name Mike Runyon & Ted Casper Company Meefy Beat, Inc.
Address 995 W. 7th Street
City St. Paul St. MN Zip 55102 Daytime Phone 651-228-9925
Property Interest of Applicant (owner, contract purchaser, etc) Purchasers
Name of Owner (if different) Patrick Donohue Phone 651-224-4050

**PROPERTY
INFORMATION**

Address / Location PID 112823410192
Legal Description See Attached Site Plan and Legal Description
(attach additional sheet if necessary)
Lot Size 6,273 sf Present Zoning TN2 Present Use Vacant Lot
Proposed Use Parking

Variance[s] requested: This request is for a variance from parking requirements including total number of on-site parking stalls, setback from property line, and landscaping.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Variance required for distance from primary site to off-site parking. Variance required for setback off Osceola to four feet due to unusual configuration of site.

See attached sheets for supporting information

250.00
CK 9492
pdc

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature Thomas E. Casper Date 3-4-10

CLINIC PARKING RAMP

JUNO AVENUE

TWO HOUSES

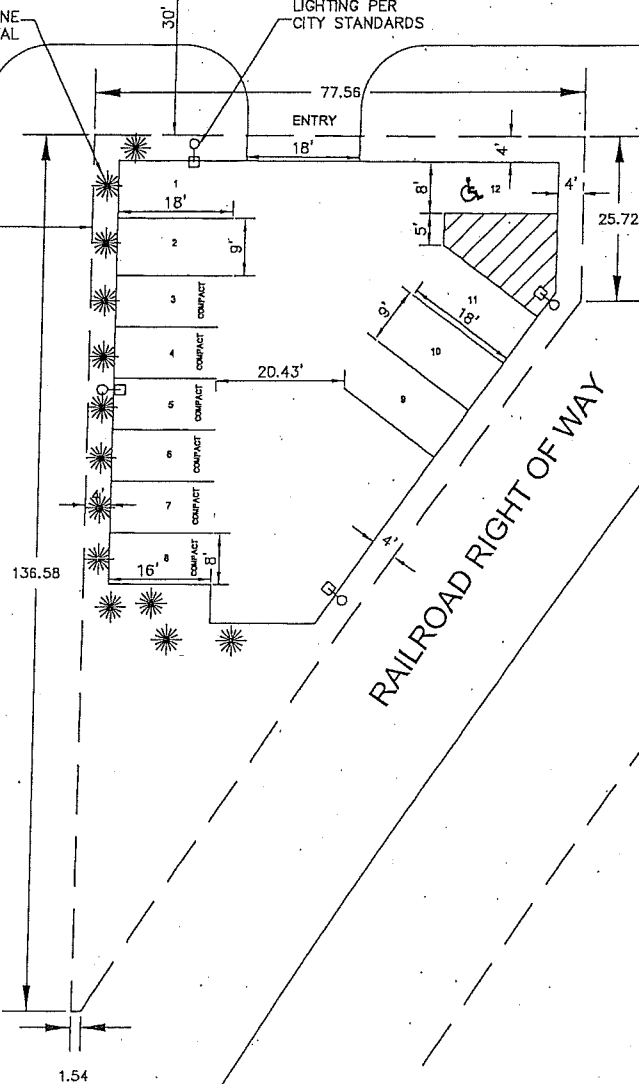
OSCEOLA AVENUE

AUSTRIAN PINE
13 TOTAL

LIGHTING PER
CITY STANDARDS

ENTRY

RAILROAD RIGHT OF WAY



CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 10-011174
DATE: March 8, 2010

Deadline for Action: 03-02-10

WHEREAS, Mike Runyon & Ted Casper have applied for a variance from the strict application of the provisions of Section 63.296 & 63.301 of the Saint Paul Legislative Code pertaining to several variances in order to enlarge Shamrocks Bar and Restaurant and establish a new parking lot. 1) The proposed expansion requires 32 additional off-street parking spaces; 2) A 4 foot setback is required from the west property line of the parking lot; 3) a minimum area of 10% landscaping is required for any new off-street parking area; in the B2 zoning district at 995 7th Street West. PIN: 112823140179; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on March 8, 2010 pursuant to said application in accordance with the requirements of Section 64.203 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. *The property in question cannot be put to a reasonable use under the strict provisions of the code.*

The applicants are proposing to expand Shamrock Restaurant at 995 West 7th Street into the adjacent commercial building at 985 West 7th Street that was last occupied by a hair salon and office space on the first floor and 3 residential units on the second. The residential units will remain but the first floor will be converted to restaurant use. This change in use requires 21 additional parking spaces. In addition to the parking required for the change of use, the zoning code, under Sec. 63.206(c)(2), requires that 25% of the parking shortfall for the existing restaurant must also be provided. The existing bar/restaurant has a parking shortfall of 44 spaces and 25% of the shortfall is 11 spaces. The shortfall plus the parking required for the change of use results in a total parking deficit for the expansion of 32 spaces. The project will also include the development of the lot behind 985 West 7th Street into a parking lot with access from James Avenue. This lot has been used informally for parking in the past but has never been developed to code. The area available for parking is about 40 by 82 and in order to make it practical for parking, the applicants are requesting a setback variance and a variance of the landscaping requirements. Expanding the restaurant into the adjacent commercial space and developing the parking area behind the building are reasonable and permitted uses that cannot be accomplished under the strict provisions of the code.

2. *The plight of the land owner is due to circumstances unique to this property, and these circumstances were not created by the land owner.*

File #10-011174
Resolution

The building at 995 West 7th Street was constructed in 1906 and the building at 985 West 7th Street was built in 1896, both long before the City first had parking requirements for commercial uses in 1975. These irregular shaped parcels have limited area available for parking. The circumstances make it difficult to put the buildings to a reasonable use under the current code and were not created by the current property owners.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

Shamrock's has proven to be a successful business attracting many customers to the neighborhood. Along with this success comes a corresponding increase in parking demand in the area. The applicants are proposing to address these parking concerns through informal shared parking agreements with the Cherokee Bank located across Osceola Avenue and the Subway Restaurant located next door. The applicants state that both have said their lots are available for after-hour parking by Shamrock customers but neither wants to enter into a formal parking agreement at this time. They also state that they have been told that their employees can use the fire station parking lot across West 7th Street after 5 PM but staff has not been able to confirm that. The applicants should continue to seek a formal shared parking agreement or otherwise provide at least 16 of the required 32 spaces. Finally by redeveloping the parking area behind 985 West 7th Street and adding some bicycle and motorcycle parking they hope to mitigate any increase in parking demand in the neighborhood due to the expansion of the business.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The requested parking and site variances will not significantly affect the supply of light or air to adjacent properties.

The applicant has submitted three proposed site plans for the parking lot. Staff recommends the third plan which substitutes landscaping for the parking space closest to the street. Although this plan would eliminate one parking space it would provide a setback from the street and a visual break from the paved lot. It would also improve pedestrian safety by preventing cars from backing over the sidewalk. The two parcels have separate tax identification numbers and will need to be combined as a single parcel with one identification number in order to ensure that the parking remains with the restaurant. With the above stated conditions, the proposed variances would not change the character of the neighborhood or have an adverse impact on surrounding properties.

File #10-011174
Resolution

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

The proposed bar/restaurant and associated parking is a permitted use in this district. The requested variances would not change or alter the zoning classification of the property.

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.206 & 63.301 are hereby waived to allow: 1) A variance of 32 spaces; 2) A west property line setback of 0 (zero); 3) A minimum area of landscaping of 5.7%; *subject to the following conditions: 1) That the applicants obtain a shared parking agreement or otherwise provide an additional 16 parking spaces within the next year and 2) That the parcels are combined under a single tax identification.* In order to enlarge Shamrocks Bar and Restaurant and establish a new parking lot on property located at 995 7th Street West; and legally described as A. H. Koehler's Re-Arrangement "A" Lots 3 4 And Lot 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

MOVED BY:
SECONDED BY:
IN FAVOR:
AGAINST:

MAILED: March 9, 2010

TIME LIMIT:

No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

SURVEY FOR: **PATRICK DONOHUE**

SURVEYED: May 1999

DRAFTED: May 20, 1999

LEGAL DESCRIPTION:

All that part of Lots 12 and 13, Block 1 of D.R. Burbank's Addition to St. Paul, according to the recorded plat thereof, lying northwesterly of a line being 25 feet northwesterly of and parallel with the center line of the main track of the Soo Line Railroad Company, together with that part of the North 1/2 of the vacated alley accruing thereto by reason of vacation thereof, Ramsey County, Minnesota.

SCOPE OF WORK:

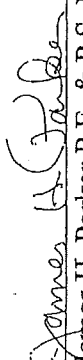
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.

STANDARD SYMBOLS & CONVENTIONS:

"•" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

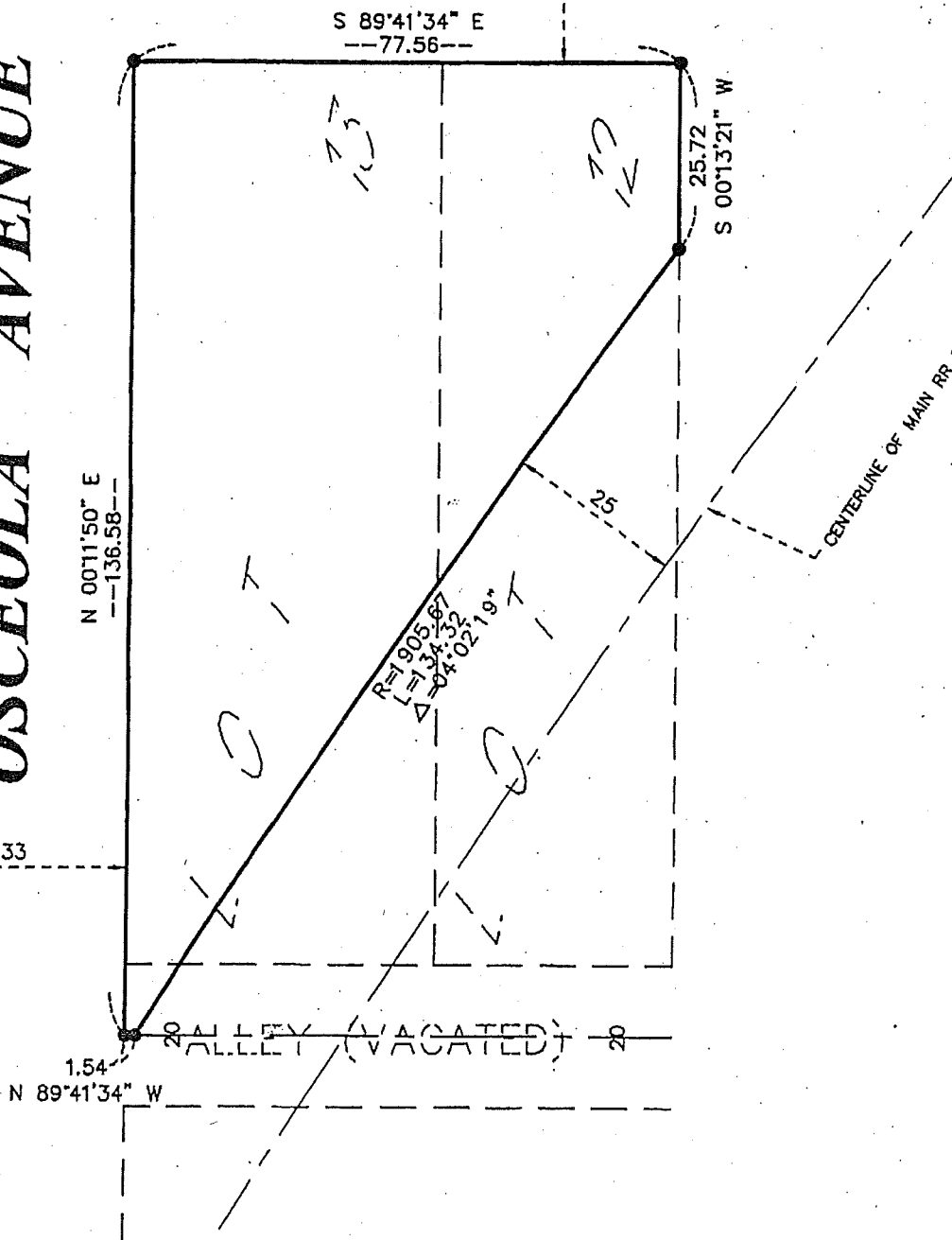
CERTIFICATION:

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

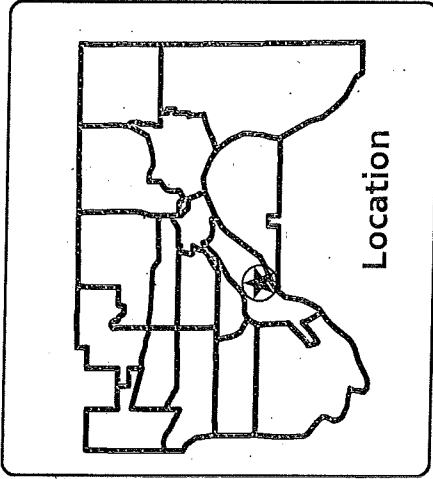

James H. Parker P.E. & P.S. No. 9235

JUNO AVENUE

OSCEOLA AVENUE



Existing Land Use



Location

670 Juno

